S.B.Cr.Misc. Bail App. No.4986/2007

(Abdul Khan & Ors. Vs. State of Rajasthan)

Date of order : November 15, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Sandeep Mehta, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by learned counsel for the petitioners that eye-witness viz. PW.1 Kalu, who is first informant as also PW.2 Raju did not support the prosecution case and turned hostile.

On careful perusal of the statements of PW.1 Kalu and PW.2 Raju, it appears that they have totally resiled from their previous statements and did not support the prosecution case. No other evidence has been pointed out connecting the petitioners with the commission of crime.

Having regard to the facts and circumstances of the case

and the fact that eye-witness did not support the prosecution case, I consider it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Abdul Khan s/o Ahmed Jamal Khan alias Teleshwar Khan alias Maa Ka Bhai, Akram Khan s/o Nishar Khan, Amjad Khan alias Irfan Khan Pathan s/o Nabi Hussain Pathan and Ahmed Noor s/o Yakub alias Rehmat Jamal be released on bail in FIR No.60/2007, P.S. Dungla, Distt. Chittorgarh provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-